1	UNITED STATES D	
2	SOUTHERN DISTR	
3	WESTERN D	IVISION
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5		
6	SHERRY COX, as Administrator of	
7	Estate of Linda S. Beckman, dec	eased, : :
8	Plaintiff,	• •
	vs.	: CASE NO.
9	METABOLIFE INTERNATIONAL, INC.,	: C-1-01-676 :
10	Defendant.	•
11		•
12		
13		
14	Deposition of: JY	OTI MEHTA, M.D.
15	Taken: By	the Defendant
16	Pursuant to: No	tice
17	Date: Ma	rch 3, 2003
18	Time: Co	mmencing at 10:01 a.m.
19		echner, Haffer,
20	Co	Connell, Meyers & Healey ., L.P.A.
21	10	O Fourth & Walnut Centre 5 East Fourth Street ncinnati, Ohio 45202-4015
22	Before: Su	san M. Gee, RMR
23		tary Public - State of Ohio
24		COPY

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      APPEARANCES:
 2
            On behalf of the plaintiff:
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            On behalf of the defendant:
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                  Christina J. Marshall, Esq.
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            On behalf of the witness:
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1	IND	ΕX	
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Ace Reporting Services (513) 241-3200 30 Garfield Place, Suite 620 Cincinnati, Ohio 45202

1	JYOTI MEHTA, M.D.
2	of lawful age, a witness herein, being first duly sworn as
3	hereinafter certified, was examined and deposed as follows:
4	CROSS-EXAMINATION
5	BY MS. MARSHALL:
6	Q. Could you please state your name for the
7	record?
8	A. Jyoti Mehta.
9	Q. Dr. Mehta, my name is Christina Marshall. We
10	just briefly met. I represent Metabolife International in
11	this action, and there are a lot of questions I'm going to
12	be asking you regarding Linda Beckman, who is a former
13	patient of yours. If there is anything you don't
14	understand, please let me know, and I can rephrase that.
15	Have you ever had your deposition taken before?
16	A. No.
17	Q. A couple things to keep in mind. First thing
18	is to make sure that you speak loudly and clearly enough
19	for the court reporter to hear what you're saying. She's
20	taking down everything that you are saying, so all of your
21	responses need to be verbal, yes or no, or any further
22	response that is necessary that you feel
23	A. Okay.
24	Q would make it complete.

1	A. Okay.
2	Q. The second thing is make sure that you don't
3	talk over me, because when two people are talking, it's
4	very difficult for the court reporter to take down what
5	we're saying, so allow me to finish my question before you
6	begin your response.
7	A. Okay.
8	Q. Fair enough?
9	A. Yes.
10	Q. Okay. First, before I get into any questions
11	about Linda Beckman, I want to just get some background
12	information about you. Can you tell me just some of your
13	educational background to begin with?
14	A. I'm a board certified internist, geriatrics.
15	Q. Where did you receive your undergraduate
16	degree?
17	A. Bombay University in India.
18	Q. And where did you receive your medical school
19	training?
20	A. Medical school, Bombay University, India.
21	Q. When did you come to the United States?
22	A. 1980.
23	Q. Did you have to take a medical grad entrance
24	exam?

)	1	Α.	Yes.
)	2	Q.	When did you take that?
	3	Α.	1980.
	4	Q.	Did you pass that the first time?
	5	Α.	Yes.
	6	Q.	When did you become board certified?
	7	Α.	1988.
	8	Q.	What is it that you're board certified in?
	9	Α.	Internal medicine and geriatrics.
	10	Q.	When did you receive those two board
	11	certification	ns?
	12	Α.	1988, and the second one, 1992. I don't
	13	remember exac	ct years.
)	14	Q.	When you say "the second one," do you mean the
	15	second one be	eing your geriatric board certification?
	16	А.	Yes, specialty.
	17	Q.	Is that what you specialize in today is
	18	geriatrics?	
	19	Α.	I have a board certification, yes. Yes, I
	20	practice.	
	21	Q.	Is the majority of your practice internal
	22	medicine or o	geriatrics?
	23	Α.	Geriatrics more.
	24	Q.	About what percentage would you say you do

		ļ	
	1	geriatrics a	s opposed to just internal medicine?
	2	Α.	Maybe 60 percent, 60, 65 percent geriatrics.
	3	Q.	Do you have your own private practice?
	4	A.	Yes.
	5	Q.	Where is that located?
	6	Α.	In Clermont County. It's called Williamsburg.
	7	Q.	Can you give me that address?
	8	Α.	Yeah. It's 1001 West Main Street,
	9	Williamsburg	, 45176.
	10	Q.	How long have you been there?
	11	Α.	Fifteen years.
	12	Q.	Where else do you practice?
~	13	Α.	Also, I have another office in Anderson at
	14	Hamilton Cou	nty, Cincinnati.
	15	Q.	Do you practice at any nursing homes?
	16	Α.	Yes.
	17	Q.	What nursing homes?
	18	Α.	Several nursing homes around in the area.
	19	Q.	You're licensed to practice in the state of
	20	Ohio?	
	21	Α.	Yes.
	22	Q.	Are you licensed to practice in any other
	23	states?	
	24	Α.	No.

1	Q. Getting, then, to your treatment of Linda
2	Beckman, do you remember the first time that you saw her as
3	a patient?
4	A. It was many years ago. I don't remember.
5	Q. Have you had a chance to review any of your own
6	medical records concerning your treatment of Linda Beckman
7	before today?
8	A. No. Maybe looked, but not really.
9	Q. Do you remember the reason for the first time
10	you saw her?
11	A. As far as I recall, she only came for physical
12	exam or work physical or some sore throat, headaches.
13	Q. Do you know how she was referred to you?
14	A. No, I don't.
15	Q. Is that something that you would document in
16	your records?
17	A. If they are referred by someone and they tell
18	us, yes.
19	Q. So if she was referred by another physician,
20	that would be noted in your records?
21	A. Yes.
22	Q. Do you remember anything concerning her first
23	visit with you?
24	A. No.

1 0. What do you normally do during your first 2 visit, a first-time patient? 3 Complete physical, history and physical. 4 have to fill out the history and physical exam form, and I do the physical and ask questions and document things. 5 6 Q. So there's actually a form that the patient 7 fills out themselves? 8 Α. Yes. 9 Q. Was that a practice that you had back in 1995? 10 I think I had that practice all along, but I Α. 11 don't recall. 12 I'm just asking, because we did ask for the Q. 13 records from your office. 14 Α. Right. 15 And I did not see anything along the lines of a Q. 16 form being filled out by Linda Beckman. 17 Right. Probably not 95 but somewhere along the 18 line, when she came in, she had filled out the form. 19 Q. So at some point in time --20 Or I fill it out. It depends. 21 In any event, I don't have anything that's 0. similar to that, so I guess what I would be asking for is 22 23 if you do have something like that, if you could produce 24 that or plaintiff's counsel perhaps has it.

1	MS. PACE: I don't have one. They weren't in
2	any documents either.
3	MS. MARSHALL: That's fine.
4	Q. What I will show you is the first record that I
5	have, and I'll go ahead and have this marked as an exhibit.
6	(Defendant's Exhibit 1 was marked for
7	identification.)
8	Q. Dr. Mehta, I'll show you what's been marked as
9	Defendant's Exhibit 1. Why don't you take a look at that?
10	Do you recognize that?
11	A. Uh-huh.
12	Q. Is that a yes?
13	A. Yes.
14	Q. How do you recognize that?
15	A. It's my handwriting.
16	Q. All right. It looks like here that the first
17	visit that we have, anyway, is on January 19th, 1995.
18	Would that be accurate?
19	A. Yes.
20	Q. It also notes some history down on the top
21	right-hand corner for her mother and her father. Could you
22	read to me what your notations are right there?
23	A. Family history, mother diabetes and father
24	glaucoma. She never had a hospitalization. Smoked half

1	pack a day. Occasional alcohol.
2	Q. Okay. That does say occasional. It looks like
3	she had no allergies, she was not taking any medications,
4	correct?
5	A. Right.
6	Q. And she indicated to you that she had not had
7	any operations?
8	A. No.
9	Q. Can you read to me what you have noted down
10	there right below operations with a negative sign?
11	MS. PACE: Would you point out to me where
12	you're asking her? Thank you.
13	A. Gravida 2, para 2 Two children, that indicates
14	she has two children.
15	Q. Below that, it looks like she was on Betoptic
16	eye drops and has glaucoma?
17	A. Yes.
18	Q. Did she ever discuss with you her treatment of
19	glaucoma?
20	A. No.
21	Q. Can you read me what you had noted for the rest
22	of that visit for 1-19-95?
23	A. Okay. Her physical exam: HEENT normal. Lungs
24	clear. Abdomen soft. Heart has regular rhythm.

12

13

1	A. No, nothing.
2	Q. Any tests ordered during this visit?
3	A. Nothing.
4	Q. The next time she came in is on the bottom of
5	this page, it looks like, on July 18th, 1995. Would that
6	be the next time that she actually came into your office?
7	A. Yes.
8	Q. And would that be because of something that she
9	scheduled or your office would have scheduled with her?
10	A. She scheduled herself.
11	Q. What was the reason for this visit, if you
12	know?
13	A. Physical exam.
14	Q. Can you read to me what your notations are
15	during this visit?
16	A. Again, the upper few lines are she's gravida 2,
17	para 2. No meds. Menopausal since 1986. No allergies and
18	smoke half pack a day. And it says, "see copy," so that
19	was her physical exam for work. That's what form she
20	needed to be filled out. She was here.
21	Q. So she actually brought you in something from
22	where she was working?
23	A. Yes.
24	Q. For you to fill out?

Do you have a better copy?

1	MS. MARSHALL: Can we go off the record a
2	second?
3	(Discussion held off the record.)
4	(Defendant's Exhibit 2 was marked for
5	identification.)
6	Q. Dr. Mehta, I'm now handing you what's been
7	previously marked Defendant's Exhibit 2. Take a look at
8	that and tell me if you recognize it.
9	A. Yes.
10	Q. How do you recognize it?
11	A. It is my handwriting.
12	Q. It looks like, from this record, that your next
13	visit would have been May 19th, 1997; is that correct?
14	MS. PACE: I assume you mean Miss Beckman's
15	next visit with Dr. Mehta?
16	(Discussion held off the record.)
17	Q. And, again, I'm sorry if I misspoke earlier,
18	but Linda Beckman's last visit with you was on May 19th,
19	1997; is that correct?
20	A. Yes.
21	Q. Can you please read what your notations are for
22	this visit?
23	A. Complained of lump in her left breast. And
24	physical exam: Small cystic lump below left breast about

1	half by half centimeter, nontender, bilateral breast, no
2	lumps. Physical exam documented it's normal. Rest of
3	physical exam normal. Lungs clear. Abdomen soft. Heart
4	rate normal. Heart exhibits regular rhythm. No edema.
5	Q. What was the reason for Miss Beckman's visit on
6	this occasion?
7	A. Lump in her left breast.
8	Q. Were any tests ordered as a result of this?
9	A. I think she probably had her mammogram. I
10	ordered one mammogram around that time, and it was normal.
11	Q. How would those results have come back to you?
12	A. Come back in the mail.
13	Q. Was Miss Beckman then brought back to your
14	office for those test results?
15	A. No.
16	Q. How are the test results actually conveyed to
17	her?
18	A. She called. She must have called.
19	Q. Were any medications prescribed on this visit?
20	A. No.
21	Q. On the left-hand side, it looks like you've
22	also noted her weight, her blood pressure. I'm not sure if
23	this is her pulse or not. If you can just read those
24	numbers for me.

1	A. Weight, 150 pounds. Blood pressure 120
2	120/80. Pulse rate, 84 per minute.
3	Q. Anything else that was unusual about this visit
4	or that you remember?
5	A. Nothing.
6	Q. It looks like on the bottom of this page,
7	Ms. Beckman's next visit with you was on February 22nd,
8	1999. Do you know what the reason was for this visit?
9	A. Bronchitis.
10	Q. Can you please read for us what your notations
11	are here on the bottom half of Defendant's Exhibit 2?
12	A. Fever, chills, cough, cough severe, dry cough
13	present, sore throat and earache. Physical exam: Lungs,
14	bilateral wheezing present. Abdomen soft. Heart responds
15	to regular rhythm. Extremities, no edema. Acute
16	bronchitis, pharyngitis. And treatment given was
17	Amoxicillin, 500 milligrams, three times a day, 24
18	capsules.
19	Q. That was something that you had prescribed for
20	her?
21	A. Yes.
22	Q. Do you know if she was on any other medications
23	at this time?
24	A. No.

1	Q. And then on the left-hand side here, if you
2	could just read down for me what your indications are.
3	A. No allergies, no known allergies. Smoking half
4	pack per day. No alcohol. Gravida 2, para 2. No
5	operations. ROS is review of systems. Weight loss, she
6	said she was dieting. Medications, none. Aspirin
7	occasionally.
8	Q. Did she talk to you at all about her dieting?
9	A. No.
10	Q. It looks like she noted her weight was 132
11	pounds, and her blood pressure was 112/70; is that correct?
12	A. Yes.
13	Q. So she had lost about 20 pounds since her last
14	or her previous visit?
15	A. Yes.
16	Q. Did she ask for your advice at all with regards
17	to dieting?
18	A. No.
19	Q. Did you ask her about what she was doing as far
20	as her dieting?
21	A. No.
22	Q. Was there any discussion other than the fact
23	that she was dieting?
24	A. No.

1	l N	MR. HEALEY: I'm going to just object for the
2	record.	. I don't know if she said she was dieting.
3	Did she	e say that?
4	7	THE WITNESS: Yes.
5	Ι	MR. HEALEY: I'm sorry.
6	4	MS. PACE: It's written there.
7	BY MS. MARSHAI	L:
8	Q. I	Is there anything else about this visit that
9	you recall?	
10	A. N	No.
11	Q. A	Any tests ordered?
12	A. N	No.
13	Q. A	And other than was it Amoxicillin that was
14	prescribed?	
15	A. Y	Yes.
16	Q. C	Other than that, any other medications
17	prescribed?	
18	A. N	No.
19	Q. D	Doctor, I'm going to hand you the next exhibit.
20	((Defendant's Exhibit 3 was marked for
21	i	identification.)
22	Q. D	Doctor, I'm handing you what's been previously
23	marked as Defe	endant's Exhibit 3. Do you recognize that?
24	A. Y	les.

If it was an issue, but mostly it was

24

Α.

24

Q.

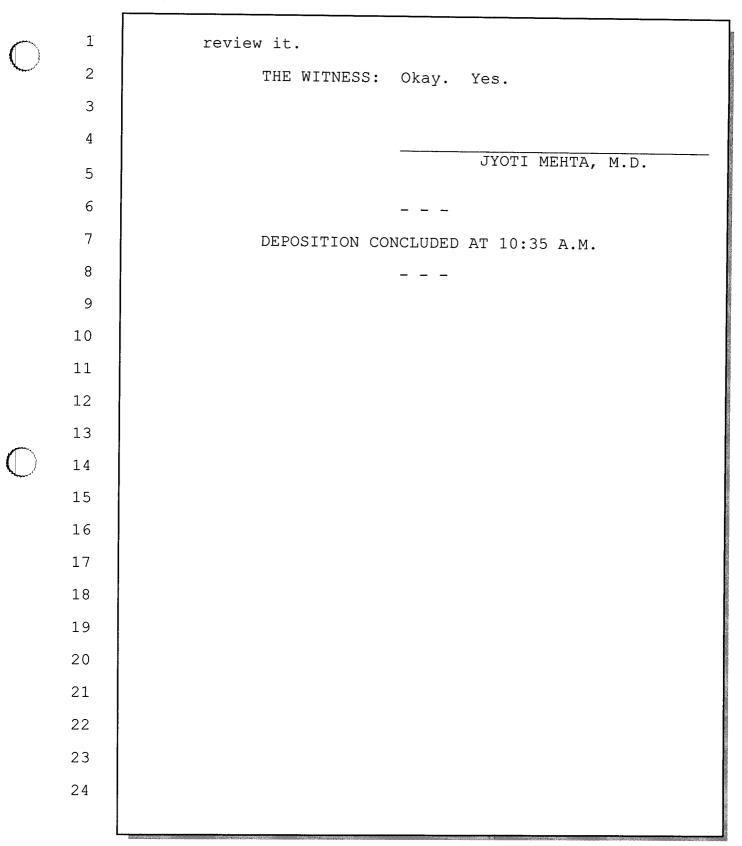
Okay.

1	blood test.
2	Q. Was there anything specific you were looking
3	for?
4	A. Nothing specific, just routine blood test,
5	which we ordered chemistry 18 and lipids.
6	Q. I want to talk to you, then, about her next
7	visit with you, which is on the bottom of Defendant's
8	Exhibit 3. It looks like the date there is August 16th,
9	1999; is that correct?
10	A. Yes.
11	Q. Can you read for me what your notations are
12	concerning this visit?
13	A. Alarm woke her up at 4:00 a.m. on Saturday, 14.
14	Got headaches, nauseated and dizziness, and whole head was
15	sore. Light-headedness. No tingling in bilateral fingers.
16	Physical exam: HEENT normal. Lungs clear. Usually,
17	headaches around bilateral mastoid, mastoid pain bilateral
18	ears, I think, mastoid pain with headaches. Rest of
19	physical exam normal. Diagnosis: Headaches. Near
20	syncope. Treatment: CAT scan of the head and Advil.
21	Q. Does that indicate that she was taking Advil or
22	is that something that you prescribed for her?
23	A. She was advised or suggested to take Advil.
24	Q. That was the suggestion that you made?

		Į.	
	1	Α.	Yes.
المهيد	2	Q.	Was that a prescription strength of ibuprofen,
	3	perhaps?	
	4	Α.	No.
	5	Q.	Just to go home and take Advil?
	6	Α.	Yes.
	7	Q.	Were there any tests performed as a result of
	8	this?	
	9	Α.	CAT scan of her head.
	10	Q.	Do you remember the results of that CAT scan?
	11	Α.	Normal.
	12	Q.	Were there any other tests performed?
····	13	Α.	No.
	14	Q.	Was there any diagnosis made as a result of
	15	this visit?	
	16	A.	No.
	17	Q.	Was there any follow-up recommended to Miss
	18	Beckman to se	ee a specialist?
	19	Α.	I don't recall that right now.
	20	Q.	Any follow-up which you recommended?
	21	Α.	Four to five weeks.
	22	Q.	At any point during this time, did Miss Beckman
	23	ever mention	to you that she was taking Metabolife?
	24	Α.	No.

1	Q. Did she ever talk to you that she had
2	considered taking Metabolife?
3	A. No.
4	Q. Did she ever talk to you on any occasion
5	concerning losing weight?
6	A. No.
7	Q. Or a program to lose weight?
8	A. No.
9	Q. Did she ever ask for your advice to refer her
10	to somebody in that regard?
11	A. No.
12	Q. Is this the last time that you saw Miss Beckman
13	in your office?
14	A. Yes.
15	Q. Are you aware that Miss Beckman later presented
16	to the hospital in September of 1999?
17	A. Yes.
18	Q. How did you become aware of that?
19	A. A few months I don't know when exactly. A
20	few months later, we had just received a CAT scan of her
21	head.
22	Q. During her hospital visits in September, were
23	you ever notified by any of the hospitals concerning her
24	care or treatment?

1	Q. Do you have any opinions in this case
2	concerning Linda Beckman?
3	A. No.
4	Q. Do you have any opinions concerning ephedra?
5	A. No.
6	Q. Do you have any opinions concerning Metabolife?
7	A. No.
8	Q. Before this deposition began today, did you
9	have a meeting with plaintiff's counsel?
10	A. Yes.
11	Q. Can you tell me what was discussed during that
12	meeting?
13	A. In general, why my deposition was necessary.
14	Q. And what was indicated to you why your
15	deposition was necessary?
16	A. Nothing. Just go over the records. Nothing
17	major. I don't know. But that's basically it.
18	MS. MARSHALL: Thank you, Dr. Mehta. I have no
19	further questions.
20	THE WITNESS: Okay.
21	MS. PACE: I do not. Would you like signature?
22	MR. HEALEY: Yes, please. It means if it's
23	transcribed, you have the right I'm asking that
24	you review it and sign it, so we have a right to



1	CERTIFICATE
2	STATE OF OHIO :
3	COUNTY OF HAMILTON :
4	I, Susan M. Gee, RMR, the undersigned, a duly
5	qualified and commissioned notary public within and for the
6	State of Ohio, do hereby certify that before the giving of
7	her aforesaid deposition, JYOTI MEHTA, M.D., was by me
8	first duly sworn to depose the truth, the whole truth and
9	nothing but the truth; that the foregoing is the deposition
10	given at said time and place by JYOTI MEHTA, M.D.; that
11	said deposition was taken in all respects pursuant to
12	stipulations of counsel; that I am neither a relative of
13	nor employee of any of the parties or their counsel, and
14	have no interest whatever in the result of the action; that
15	I am not, nor is the court reporting firm with which I am
16	affiliated, under a contract as defined in Civil Rule
17	28(D).
18	IN WITNESS WHEREOF, I hereunto set my hand and
19	official seal of office at Cincinnati, Ohio, this day
20	of, 2003.
21	
22	
23	My commission evenings
24	My commission expires: Susan M. Gee, RMR September 20, 2005 Notary Public - State of Ohio
L	ENGARIA EN TRADESTAR